

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD RAY JACKSON,

Petitioner,

No. CIV S-02-0946 FCD PAN P

vs.

TOM L. CAREY,

Respondent.

ORDER

Petitioner is a state prisoner, with counsel, seeking a writ of habeas corpus. See 28 U.S.C. § 2254. Petitioner challenges the October 25, 2000, decision finding him unsuitable for parole. Currently pending are petitioner's contested motion for leave to conduct discovery and respondent's contested motion to stay this action.

In his answer, respondent asserts that petitioner has no federally protected interest in parole. Whether such an interest exists for California prisoners is pending in the appellate court. See Sass v. California Board of Prison Terms, Case No. 05-16455.

The court finds that it is appropriate to stay this action pending the outcome of Sass. See Leyva v. Certified Grocers of Cal. Ltd., 593 F.2d 857, 863 (9th Cir. 1979) .

1 Good cause appearing, IT IS HEREBY ORDERED THAT respondent's March
2 13, 2006, motion to stay this action is granted.

3 DATED: May 3, 2006.

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6 UNITED STATES MAGISTRATE JUDGE

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